

Filed for intro on 02/15/95  
Senate Bill \_\_\_\_\_  
By \_\_\_\_\_

House No. HB1116  
By Herron

AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 13; Title 29, Chapter 20; Title 29, Chapter 34 and Title 55, Chapter 8, relative to injuries, death or damages caused by the pursuit of certain persons.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 34, Part 2, is amended by adding the following as a new section:

(a) A person who suffers death, injury or property damage as the proximate result of a law enforcement officer's pursuit of an actual or suspected violator of the law shall, regardless of whether the officer or violator caused the injury, have a cause of action against such law enforcement officer and such officer's employer if:

(1) The injured party was not one of the actual or suspected violators being pursued and was not criminally responsible for the conduct of such violator pursuant to Tennessee Code Annotated, Title 39, Chapter 11, Part 4; and

(2) The, death, injury or property damage was the proximate result of the law enforcement officer's gross negligence in deciding to pursue such violator or in the actual pursuit of the violator.

(b) A cause of action brought pursuant to subsection (a) shall be subject to the provisions of Tennessee Code Annotated, Title 29, Chapter 20.

(c)(1) A person suffering death, injury or property damage under the conditions set out in subsection (a) of this section who does not have a cause of action against the law enforcement officer or such officer's employer as provided in subsection (a) must first seek recovery against the actual or suspected violator causing the death, injury or damage.

(2) If the recovery from the actual or suspected violator is insufficient to cover the damages suffered, such person may file a claim with the "Pursuit Injuries Compensation Fund" established by this section.

(3) The "Pursuit Injuries Compensation Fund" shall be a fund established from appropriations made in the general appropriations act and from such other sources as are otherwise provided or established by law.

(4) To the extent possible, the procedures used under the "Criminal Injuries Compensation Act of 1976" shall also be used for claims under the "Pursuit Injuries Compensation Fund". The administrative office of the courts shall promulgate any rules and regulations, including eligibility requirements and maximum awards, necessary to fully implement the provisions of this section. Such rules shall be promulgated in accordance with the provisions of the uniform administrative procedures act, codified in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 2. This act shall take effect July 1, 1995, the public welfare requiring it.

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